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FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

COMPLAINT

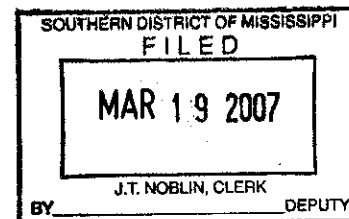
O'Bryant 289746
 (Last Name) (Identification Number)

Johnny
 (First Name) (Middle Name)

Harrison County Adult Detention Center
 (Institution)

10451 Larkin Smith Dr., Gulfport, MS. 39503
 (Address)

(Enter above the full name of the plaintiff, prisoner, and address plaintiff in this action)



v.

CIVIL ACTION NUMBER: 1:07CV477LG-RHW
 (to be completed by the Court)

Harrison County Adult Detention Center

Sheriff George H. Payne, Jr., Warden Donald

A. Cabana and Ex-Deputy Karl Stolze

10451 Larkin Smith Dr., Gulfport, MS. 39503
 (Enter above the full name of the defendant or defendants in this action)

OTHER LAWSUITS FILED BY PLAINTIFF**NOTICE AND WARNING:**

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

A. Have you ever filed any other lawsuits in a court of the United States? Yes (✓) No ()

B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)

- Parties to the action: Johnny O'Bryant vs United States of America President William Jefferson Clinton and State of Mississippi Governor Ronnie Musgrove
- Court (if federal court, name the district; if state court, name the county): U.S. District Court, Northern District
- Docket Number: unknown - have forgotten
- Name of judge to whom case was assigned: have forgotten
- Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): the case was dismissed.

PARTIES

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank. Do the same for additional plaintiff, if any).

I. Name of plaintiff: Johnny O'Bryant Prisoner Number: Docket # 289746
 Address: Harrison County Adult Detention Center
10451 Larkin Smith Dr.
Gulfport, MS. 39503

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions, and places of employment of any additional defendants.)

II. Defendant: Sheriff George H. Payne, Jr. is employed as
Harrison County Sheriff at Harrison County
Mississippi and Adult Detention Center.

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

PLAINTIFF:

NAME:

ADDRESS:

DEFENDANT(S):

NAME:

ADDRESS:

Donald A. Cabana
Karl Stolze

10451 Larkin Smith Dr. Gulfport, MS. 39503
10451 Larkin Smith Dr. Gulfport, MS. 39503

GENERAL INFORMATION

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes () No (✓)

B. Are you presently incarcerated for a parole or probation violation?

Yes () No (✓)

C. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?

Yes () No (✓)

D. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?

Yes () No (✓)

E. Have you completed the Administrative Remedy Program regarding the claims presented in this complaint?

Yes (✓) No (), if so, state the results of the procedure: I was advised to file charges in Justice Court.

F. If you are not an inmate of the Mississippi Department of Corrections, answer the following questions:

1. Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?

Yes (✓) No ()

2. State how your claims were presented (written request, verbal request, request for forms): I hand written a grievance, I made a verbal complaint to the Warden and Medical doctor, and Counselor.

3. State the date your claims were presented: October 1, 2006

4. State the result of the procedure: I was advised to file charges in the Justice Court, and I did on 2-28-07

STATEMENT OF CLAIM

III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

Claim # 1 Assault

1) On September 25, 2006 about 8:40 a.m. I was an inmate in Harrison County Adult Detention Center and was house on the Medical section of Block D section F sleeping on the floor in the fayer area. This area housed psychotic mentally ill patients who have attempted suicide. I was one of those inmate patients, when I ended up being assaulted on two occasion on the above date and time.

- continue -

RELIEF

IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

I seek declaratory and injuctive relief. 100,000 (one hundred thousand dollars) in compensatory and punitive damages. 100,000 (one hundred thousand dollars) for emotional pain and suffering and physical injury.

Signed this 5th day of March, 20 07.

Johnny O Bryant, 289746

10451 Larkin Smith Dr.

Signature of plaintiff, prisoner number and address of

plaintiff Gulfport, MS. 39503

I declare under penalty of perjury that the foregoing is true and correct.

March 5, 2007
(Date)

Johnny O Bryant
Signature of plaintiff

Statement Of Claim

Claim # 1 Assault continue

2) I had attempted suicide and during my transfer to Medical suicide watch unit my property was lost. On the morning of September 25, 2006 deputy Karl Stolze was the deputy assigned to watch our section. His duty post consist of a chair and table in the section. We were under 15 minutes observation.

3) This particular morning I was trying to locate my lost property so I could get my legal materials and phone number to my attorney. I knocked on the foyer window to draw deputy Karl Stolze attention. He came over and asked me what I wanted and I told him that I'm trying to locate my lost property.

4.) Deputy Karl Stolze told me he dosen't know about any property and that if I knock on the window again he will come inside and beat my ass. I explained that I hadn't done anything and that he was not going to do anything to me.

5) This seemed to infuriate the deputy who rushed in and hit me in my throat and starting choking me so severely until I starting losing my breath. It seem as though he was trying to crush my larynx as the pain became unbearable. He used so much force until his nails dug into my skin and caused some bleeding. All the while trying to trip me to the floor by wrapping one of his legs around mines and trying to push me backward.

6.) This incident startled some of the inmates who woke up and some came out of there cells to see what was happening. A couple of the inmates shouted for the deputy to stop choking me and he did when he noticed that he was inciting the others. I used the opportunity to tell the deputy to keep his hands off me or I will have him charged with assault.

7.) All of us inmates were wearing suicide gowns and heavily medicated so this deputy must of thought that we were not capable of understanding

what was happening because when I told him about pressing charges he rushed into me again more malicious and more sadistically than the first time. He squeeze me around the throat even more harder and more forceful. It appeared as if the deputy had turned into a raging animal out for the kill.

8.) The inmates starting shouting and asking for help and I believe this somewhat scared the deputy to stop who stopped choking and told me to go lay down and if I knocked back on the window again I will get some more of the same.

9.) The inmates who were willing to testify to what happen are David G. Marshall, Cavin Reed and Curtis Harris. Finally Captain Gaston came about 30 minutes later talking about don't get smart with my officer and go back to sleep.

10.) I tried to get to the infirmary but because the nurses already knew what

happen they would not see me.

11.) I seen Warden Donald A. Cabana who got Internal Affairs officer Steve Campbell to investigate the Complaint. I discovered that deputy Karl Stolze and Capt. Gaston both were already under investigation for assaults on inmates and both were terminated.

12.) I've attached a copy for inspection of the final Second Step Response where I was told to file charges against the officers.

- end -

Claim #2
Religious Discrimination and Civil Rights
Violations

- 1.) On or about December 24, 2006 I was placed in administrative segregation for wearing a Muslim Kufi that was made out of a sheet.
- 2.) I never received a Rule Violation Report, no incident report, no pre-hearing statement or anything except a threat from J. Gregory that he will show me my constitutional rights that he Sgt. Gregory will put me in isolation so long until I will be forgotten about.
- 3.) This institution has made every effort to hinder my opportunity to worship Islam as a Muslim while at all times they have a special Christian wing of the jail that is ran by the Sheriff and the Sheriff spend county funds to keep this regularly religious program open.
- 4.) The Sheriff and the Warden have several program that they have endorsed that are Christian oriented ie, etc the

Life Learning Program, Life Skills and Christian Spirituality. The Sheriff and the Warden only cater to Christians while discriminating against me. They have mixed government with religion and only want their religion in their jail.

5.) While in segregated isolation I had a cell door slammed into my back for refusing to take off a muslim Kufi. My witness was not questioned and this Officer Cooke who assaulted me with the door still has not been prosecuted.

6.) The Warden Donald A. Cabana and Sheriff George H. Payne, Jr. has covered up a crime of religious discrimination and are committing a crime while in office while violating my rights to practice Islam, by endorsing Christianity.

7.) They have covered up the crime of deputy Cooke by stating my charges is unfounded by refusing to call my witnesses.

— end —